

Decision folder



0000037504

Arizona Corporation Commission

**BEFORE THE ARIZONA CORPORATION COMMISSION**

**DOCKETED**

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WILLIAM A. MUNDELL  
CHAIRMAN  
JIM IRVIN  
COMMISSIONER  
MARC SPITZER  
COMMISSIONER

IN THE MATTER OF THE APPLICATION OF  
THE ARIZONA DEPARTMENT OF  
TRANSPORTATION TO UPGRADE VARIOUS  
SIGNALS AT EXISTING CROSSINGS OF THE  
BURLINGTON NORTHERN AND SANTA FE  
RAILWAY COMPANY IN THE CITY OF  
GLENDALE, MARIZOPA COUNTY, ARIZONA.

DOCKET NO. RR-02635B-01-0480

DECISION NO. 64074

**OPINION AND ORDER**

DATE OF HEARING: August 2, 2001  
PLACE OF HEARING: Phoenix, Arizona  
ADMINISTRATIVE LAW JUDGE: Marc E. Stern  
APPEARANCES: Mr. Jason Gellman, Staff Attorney, Legal Division, on  
behalf of the Utilities Division of the Arizona  
Corporation Commission.

**BY THE COMMISSION:**

On June 13, 2001, the Arizona Department of Transportation ("ADOT") submitted to the Arizona Corporation Commission ("Commission") a request for approval to upgrade signal circuitry at various existing crossings of the Burlington Northern and Santa Fe Railway Company ("Railroad") in the City of Glendale, Maricopa County, Arizona ("Application").

On July 11, 2001, by amended Procedural Order, the Application was set for hearing and ADOT was ordered to notify any interested party of the Application and the hearing.

On August 2, 2001, a full public hearing was held before a duly authorized Administrative Law Judge of the Commission at its offices in Phoenix, Arizona. At the conclusion of the hearing, the matter was taken under advisement pending submission of a Recommended Opinion and Order to the Commission.

\* \* \* \* \*

Having considered the entire record herein and being fully advised in the premises, the Commission finds, concludes, and orders that:

**FINDINGS OF FACT**

1. On June 13, 2001, ADOT filed an Application in which it requested an Opinion and Order from the Commission approving an agreement between ADOT and the Railroad for the upgrading of signal circuitry at existing crossings in the City of Glendale, Maricopa County, Arizona as follows:

| <u>AAR/DOT No.</u> | <u>RR M.P.</u> | <u>LOCATION</u>                                   |
|--------------------|----------------|---|
| 025-420-B          | AF 185.46      | 51 <sup>ST</sup> Avenue/Bethany Home Road @ US 60 |
| 025-419-G1         | AF 184.64      | 55 <sup>th</sup> Avenue @ US 60                   |
| 025-419-G2         | AF 184.64      | Maryland Avenue @ US 60                           |
| 025-418-A1         | AF 183.91      | 59 <sup>th</sup> Avenue @ US 60                   |
| 025-418-A2         | AF 183.91      | Glendale Avenue @ US 60                           |
| 025-416-L          | AF 183.70      | Palmaire Avenue @ US 60                           |
| 025-415-E1         | AF 183.59      | 61 <sup>st</sup> Avenue @ US 60                   |
| 025-415-E2         | AF 183.59      | Myrtle Avenue @ US 60                             |
| 025-414-X          | AF 183.24      | Orangewood Avenue @ US 60                         |
| 025-413-R1         | AF 182.56      | 67 <sup>th</sup> Avenue @ US 60                   |
| 025-413-R2         | AF 182.56      | Northern Avenue @ US 60                           |

2. A hearing was held as scheduled on August 2, 2001.

3. On July 31, 2001, ADOT provided certification that written notice had been mailed to all interested parties of the Application and hearing thereon as ordered in the Commission's Procedural Order. Subsequently, no objections to the Application were received by the Commission.

4. The Application provides for the Railroad to install new signal circuitry at the aforementioned locations.

5. Staff testified that the cost for the installation of the new signal circuitry as provided in the Application is proper.

6. Staff has recommended that the Application be approved.

**CONCLUSIONS OF LAW**

1. The Commission has jurisdiction over the parties and over the subject matter of the Application pursuant to Article XV of the Arizona Constitution and A.R.S. §§ 40-336, 40-337 and 40-337.01.

2. Notice of the Application was provided in accordance with the law.

3. The installation of the signal circuitry is necessary for the public's convenience and safety.

1           4.     The Application should be approved as recommended by Staff.

2           5.     After the installation of the new signal circuitry, the Railroad should maintain the  
3 crossings in accordance with A.A.C. R14-5-104.

4                               **ORDER**

5           IT IS THEREFORE ORDERED that the Arizona Department of Transportation's Application  
6 on behalf of the Burlington Northern and Santa Fe Railway Company is hereby approved.

7           IT IS FURTHER ORDERED that the Burlington Northern and Santa Fe Railway Company  
8 shall complete the installation of the new signal circuitry described in the Application within fifteen  
9 months from the effective date of this Decision.

10          IT IS FURTHER ORDERED that the Burlington Northern and Santa Fe Railway Company  
11 shall notify the Commission, in writing, within ten days of both the commencement and the  
12 completion of the crossing upgrades, pursuant to A.A.C. R14-5-104.

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IT IS FURTHER ORDERED that upon completion of the crossing upgrades, the Burlington Northern and Santa Fe Railway Company shall maintain the crossings in compliance with A.A.C. R14-5-104.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

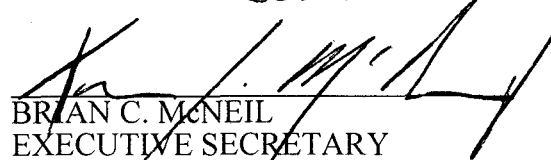
BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

  
CHAIRMAN

  
COMMISSIONER

  
COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 4<sup>th</sup> day of October, 2001.

  
BRIAN C. McNEIL  
EXECUTIVE SECRETARY

DISSENT \_\_\_\_\_  
MES:mlj

1 SERVICE LIST FOR:

BURLINGTON NORTHERN AND SANTA FE  
RAILWAY COMPANY

2

3 DOCKET NO.:

RR-02635B-01-0480

4

5 John Syers

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